

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RONNIE LYNN SMITH, SR.,

Defendant.

CR-03-145-GF-BMM-01

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter May 4, 2017. (Doc. 168.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 26, 2017. (Doc. 167.) Smith admitted that he violated the conditions of his supervised release. The violations prove serious and warrant revocation of Smith's supervised release.

Judge Johnston has recommended that the Court revoke Smith's supervised release and commit Smith to the custody of the Bureau of Prisons for twelve months and given credit for time served (Doc. 168 at 5.) Judge Johnston has recommended that Smith's term of custody be followed by no supervised release.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Smith's violations of his conditions represent a serious breach of the Court's trust. A sentence of twelve months custody followed by no supervised release represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 168), is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Ronnie Lynn Smith, Sr., be sentenced to twelve months custody followed by no supervised release.

DATED this 11th day of May, 2017.



Brian Morris
United States District Court Judge